

# Memorandum

**TO:** Mr. Pete Gutwald, Director, Department of Planning and Zoning

**FROM:** Jennifer M. Smith, Geosyntec Consultants, Inc.

**DATE:** October 2, 2007

**SUBJECT:** Zoning Code Update Meeting 6 – Meeting Summary  
September 24, 2007, Second Floor Conference Room  
Harford County Office Building

---

## Attendees

### Workgroup Members Present:

Col. Charles Day  
Mr. Samuel Fielder, Jr.  
Mr. Rowan G. Glidden  
Mr. Frank Hertsch  
Ms. Susan B. Heselton  
Mr. Jeffrey K. Hettleman  
Mr. Douglas Howard  
Mr. Gil Jones  
Mr. Gregory J. Kappler  
Mr. Michael Leaf  
Ms. Gloria Moon  
Mr. Torrence Pierce  
Mr. Frank Richardson  
Mr. Lawrason Sayre  
Mr. Jim Turner  
Ms. Marisa Willis  
Mr. Jay Young

### Workgroup Members Absent:

Ms. Susie Comer  
Ms. Carol Deibel  
Mr. William E. Goforth  
Mr. Tim Hopkins  
Mr. Chris Swain  
Mr. Bill Vanden Eynden  
Mr. Craig Ward

## Zoning Code Update Meeting 6 – Meeting Summary

9 October 2007

Page 2

### County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

### Facilitators:

Ms. Jennifer M Smith, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

Geosyntec contact information:

Geosyntec Consultants Office: (410) 381-4333

Email: [jsmith@geosyntec.com](mailto:jsmith@geosyntec.com)

## **Meeting Summary**

The sixth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The Meeting Summary from Meeting 5 was distributed for review and was approved with one change. Under Topic 8, Sign Height, the change to the Zoning Code will state, “no more than 6 feet above ground level or 6 feet above road grade, whichever is greater.”

There was interest by a workgroup member to further discuss where electronic message boards should be permitted. This discussion will be postponed until there is time available in a future meeting.

The workgroup discussed using the word “consensus” versus “majority” during the review process. When a vote is called it will be referred to as “majority”.

### Presentation by DPZ – Forest and Tree Conservation

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, reviewed the changes to each of the Forest and Tree Conservation sections of the proposed zoning code.

### Workgroup Discussion:

A workgroup discussion followed Mr. Gutwald's presentation.

#### **1. Topic: County Licensed Arborer/Forester**

##### **Discussion:**

- One member of the workgroup expressed a desire to have a licensed arborer/forester employed by Harford County. The County recently hired a forester, however DPZ was unsure if the staff forester is currently licensed and registered in Maryland.

**2. Topic:** Payment of fee-in-lieu

**Discussion:**

- The workgroup expressed concern about when and how payment of fee-in-lieu is permitted. Workgroup members expressed that the fee should be high enough in order to be a deterrent from using the fee-in-lieu option. It was suggested that a fee of 80 cents - \$1.00 per square foot would better match the fees being charged by adjacent localities. DPZ stated that they reviewed the rates being charged by other locations and found that the 40 cents per square foot rate is compatible to cost. One member of the workgroup stated that there are active projects costing less than the current fee. Since the County has not had to buy land for planting trees, and because there are only approximately 5 acres accepted per year, the forty cent fee has been appropriate so far. Workgroup members suggested that the fee should cover the cost of purchasing land, maintenance, and County forester staff.
- DPZ explained that the fee in lieu is rarely approved by the County and is allowed only when other feasible alternatives exist. One member of the workgroup suggested that if the fee is raised, developers should be able to use the option as a matter of right.
- Some workgroup members were concerned that the fee would not cover the future maintenance costs for the trees. DPZ stated that the fee currently can be used for maintenance.
- The workgroup discussed whether it is the County's responsibility to be managing the fee-in-lieu process. It was suggested that the developer should be responsible for determining alternate locations for afforestation/reforestation. The County would be involved whether the option exists or not, and there are places it needs to be done.
- Members of the workgroup suggested eliminating the fee in lieu option. The question of the legality of removing the option was also raised. DPZ was unsure if the option could legally be eliminated. However, DPZ stated though it is difficult to find land, the option is a benefit for the County. It's a good opportunity to provide reforestation in older communities and provides community involvement.

**Result:**

- The majority of the workgroup agreed (with dissenting views) to keep the fee-in-lieu of afforestation and reforestation option (§267-42).
- The DPZ will review the adequacy and applicability of the fee-in-lieu rate.
- §267-42C(1) will be revised to include maintenance "... site identification, acquisition, preparation and maintenance;"

**3. Topic:** Definition of low-density residential use

**Discussion:**

- There was a question about why the term “undeveloped” is used in the definition of low-density residential but not in the definition of other uses (§267-4).

**Result:**

- DPZ will look into whether the inclusion of “undeveloped” in the definition of low-density residential use is significant.

**4. Topic:** Annotated Code of Maryland Reference

**Discussion:**

- A member of the workgroup noted that the Article reference in §267-34B(5)(b) was incorrect.

**Result:**

- DPZ will check the reference to Article 78 of the Annotated Code of Maryland to ensure that it is still a valid reference.

**5. Topic:** Maximum Area for a Forest Retention Easement

**Discussion:**

- Workgroup members questioned why a 25% forest retention area easement was the same for a lot with 20,000 square feet as a lot with 60,000 square feet. The percentage should go up as the lot size increases.
- DPZ explained that the purpose of forest retention limits is to ensure there is sufficient usable area on a lot for the primary structure and accessory uses, while trying to avoid the need for variances which impact retention areas.

**Result:**

- No Action Taken

**6. Topic:** Retention and Afforestation Requirements

**Discussion:**

- The workgroup discussed how forest conservation requirements impact housing prices in Harford County by restricting land under 20,000 square feet. It’s difficult to achieve maximum density within the development envelope. It was suggested that available land within the development envelope will be limited and therefore more rural land will need to be developed in order to meet population demands. It was suggested that the minimum percentage requirements for forest retention in §267-39(A)(2) only apply to projects outside the development envelope.
- DPZ clarified that there is no Maryland State requirement for minimum forest retention areas by type of use.

**Result:**

- The majority of workgroup members agreed (with dissenting views) to eliminate minimum forest retention requirements inside the development envelope.

**7. Topic:** Applicability of Forest and Tree Conservation Requirements

**Discussion:**

- Workgroup members questioned why §267-34(B)(7), which excludes specific residential parcels from forest conservation requirements, is in the proposed Zoning Code. It was suggested that the word “residential” be removed. DPZ stated that the section is required by Maryland State law. Workgroup members requested DPZ to check with the State to confirm this.

**Result:**

- DPZ agreed to check the State law requirement. No other action taken.

**8. Topic:** Forest Stand Delineation Requirements

**Discussion:**

- Workgroup members questioned why the county protects trees having a DBH of twenty-four inches or greater, while the state protects trees with a thirty inch DBH or greater. It was stated that trees with a twenty-four inch DBH are considered valuable for *most* species. Workgroup members were also concerned that delineations performed by “other professionals”, as stated in the proposed zoning code, would allow unqualified professionals to perform forest stand delineations.

**Result:**

- The majority of the workgroup agreed (with dissenting views) to change §267-39(C)(5) (a) from twenty-four inches to thirty inches. The workgroup also agreed to use the language “other approved forest professionals”, instead of “other professionals” in §267-36(B).

**9. Topic:** Individual Tree Planting Credit

**Discussion:**

- Workgroup members discussed whether 500 square feet is an appropriate credit for each individual tree planting, as stated in §267-43(A). Members stated their concern that smaller trees would be receiving a larger than appropriate credit. There was a concern that there would be less diversity caused by a bias toward planting lower cost trees with a 500 square foot canopy or less. DPZ clarified that trees must be selected from a list of approved species that are native to Maryland. Trees must also be appropriate for the space available, location of sidewalks, curbs, buildings and utilities, and to allow for future growth of street trees to prevent crowding. All of these aspects must be considered when selecting individual trees and will be considered by DPZ when reviewing the plans.

**Result:**

- The majority of the workgroup agreed (with dissenting views) to keep the credit for 500 square feet.

**10. Topic:** Binding Protective Agreement for Forest Conservation Plans

**Discussion:**

- There was concern by a workgroup member that the Binding Protective Agreement is too confusing for anyone to accurately interpret.

**Result:**

- Workgroup members and DPZ agreed that §267-37(B)(13) should be clarified.

**11. Topic:** Plantings near Utilities

**Discussion:**

- There was concern by workgroup members that there is no direct language in the zoning code that stipulates that plantings should not conflict with overhead or underground utilities. DPZ stated that this requirement exists in a manual which is adopted by reference into the proposed Revised Zoning Code.

**Result:**

- DPZ will verify that the manual is adopted by reference into the proposed Revised Zoning Code.

**12. Topic:** Forest Stand Delineation Approval by DPZ

**Discussion:**

- Workgroup members expressed concern about Forest Stand Delineations automatically being approved after 30 days if an applicant does not receive notification from DPZ. The timeline is included in order to provide a fair turn-around time commitment by DPZ. It was recommended that all timeline commitments by DPZ be consistent. However, it was stated that different processes take different amounts of time to complete/approve. It was also recommended that all references to forest delineations and plans being considered complete and correct if notification from DPZ is not received within 30 days be removed from the proposed zoning code.

**Result:**

- The majority of workgroup members agreed (with dissenting views) to keep §267-36(D)(2) which automatically approves Forest Stand Delineations after 30 calendar days if no notification from DPZ is received.

**13. Topic:** General Requirements - Department of Public Works Plantings

**Discussion:**

- There was concern about allowing DPW to pay a fee to property owners instead of planting a required tree as stated in §267-35(C)(4). Workgroup members suggested rather than pay the fee, plant the tree somewhere else. They suggested the Department of Public Works should reevaluate this requirement.

**Result:**

- DPZ will verify the requirements for plantings in §267-35(C)(4) with DPW.

## Zoning Code Update Meeting 6 – Meeting Summary

9 October 2007

Page 7

At Meeting 7, the workgroup will discuss Agriculture and have a presentation on transfer of development rights.

### **Administrative Issues:**

The meeting was adjourned at 4:00 pm.

The Harford County Zoning Code website can be accessed at:  
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

### **Meeting Handouts**

1. Meeting Agenda
2. Draft Meeting 5 Summary – September 10, 2007
3. Summary of Changes to the Forest and Tree Conservation Section of the proposed zoning code

### **Next Scheduled Meetings**

Date: October 8, 2007  
Time: 2:00 pm - 4:00 pm  
Topic: Meeting 7 – Agriculture (Presentation on Transfer of Development Rights)  
Location: Harford County Administrative Office Building  
220 South Main Street  
2nd Floor Conference Room  
Bel Air, MD 21014

Date: October 22, 2007  
Time: 2:00 pm - 4:00 pm  
Topic: Meeting 8 – Agriculture (District Regulations)  
Location: Harford County Administrative Office Building  
220 South Main Street  
2nd Floor Conference Room  
Bel Air, MD 21014